

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MICHAEL RODIO)	
)	
Plaintiff,)	CIVIL ACTION
v.)	NO. 04-10006-JGD
)	
R.J. REYNOLDS)	
TOBACCO COMPANY,)	
)	
Defendant.)	

SCHEDULING ORDER

Following a scheduling conference held today pursuant to Fed. R. Civ. P. 16 (a) and Local Rule 16.1, it is hereby ORDERED as follows:

1. As agreed, the following schedule shall be entered:

Fact Discovery:

- a). The fact discovery period shall be extended for 3 months and all fact discovery shall be completed by **December 13, 2004**.
- b). The parties shall file any discovery motions no later than **October 1, 2004**.

Summary Judgment:

- a). The parties shall file any motions for summary judgment pursuant to Fed. R. Civ. P. 56 no later than **January 27, 2005**.
 - b). Any opposition shall be filed no later than twenty-one (21) days from the date the summary judgment motion is filed.
 - c). Any replies to such opposition shall be filed no later than fourteen (14) days from the date the opposing motion is filed.
2. The next status conference is scheduled for **Tuesday, December 7, 2005 at 10:15 A.M.** At that time, the parties shall be prepared to discuss:
 - a). The status of the case.

- b). Scheduling for the remainder of the case through trial.
 - c). The use of Alternative Dispute Resolution (“ADR”) programs.
3. The parties shall submit a brief joint statement no later than five (5) business days before the conference addressing the issues itemized in paragraph 2 above. With respect to issue (c) regarding the use of ADR, the parties shall indicate whether or not they have agreed to use ADR, but are not obligated to identify their respective positions.

DATED: September 8, 2004

/ s / Judith Gail Dein
Judith Gail Dein
United States Magistrate Judge